

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 6, 2006

**D048703      In re Jessica R., a Juvenile**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D049088      In re Nicole S., a Juvenile**

The appeal is dismissed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D048163      People v. Almejo**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

**D049288      In re Baumer on Habeas Corpus**

The petition is denied.

**D049237      In re Wallace on Habeas Corpus**

The petition is denied.

**D042251      The Copley Press, Inc. v. The Superior Court of San Diego County/County of San Diego et al.**

The petition is denied. The parties are to bear their own costs in this writ proceeding and review. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

**D049175      In re Vargas on Habeas Corpus**

The petition is denied.

**D049712      People v. Langston**

The appeal is dismissed.

**D049443      Walker v. Superior Court of San Diego County/San Diego Police Department**

Real party in interest's request to file a formal return is granted. Real party in interest is directed to file its return on or before December 1, 2006. Petitioner may file a reply to the return on or before December 15, 2006.

Absent a written request on or before December 20, 2006, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

The trial in this matter continues to be stayed pending further order of this court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 6, 2006 (Continued)

**D049714      People v. McKee**

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

**D049217      De Burgh v. Superior Court of San Diego County/De Burgh**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 7, 2006

**D047740      People v. Booth**

The case is remanded to the trial court to modify Booth's sentence on counts 4 and 7 as follows. The 25 years to life, plus ten-year sentence on count 4 must be stricken and replaced with a sentence of life in prison with the possibility of parole, plus 10 years. The three-year sentence on count 7 must be stricken, and replaced with a sentence of eight months in prison. In addition, the abstract of judgment must be amended to reflect that the stayed sentence on counts 3, 5 and 6 are concurrent, not consecutive, to the other sentences imposed. After making these modifications, the trial court should send the Department of Corrections a corrected abstract of judgment. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D048712      In re T.L., a Juvenile**

The appeal is dismissed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D044550      American Mortgage Network v. LoanCity.com**

The order denying defendant's motion for JNOV is reversed as to the verdict on the breach of contract count against Houston, Lewis and Shaw, and the verdict on the trade secret count against Striplin, Houston, Lewis, Shaw, LoanCity and Soukoulis. The trial court is directed to enter an order granting the motion for JNOV on the breach of contract count as to Houston, Lewis and Shaw, and on the trade secret count as to all defendants. The judgment in favor of defendant and cross-complainant Day is affirmed. In all other respects, the judgment is reversed. AmNet's cross-appeal is dismissed as moot. Defendants are awarded their costs on appeal. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

**D048713      In re Z.C., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D047273      People v. Guevara**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

**D048803      People v. Edwards**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D047243      People v. Garcia**

The judgment is affirmed as corrected to reflect the true sentence imposed. The trial court is directed to forward a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. Huffman, J., We Concur: McConnell, P.J., Aaron, J.

**D048242      Willmark Communities, Inc. v. Gargurevich**

The order is affirmed. Willmark is awarded costs on appeal. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 7, 2006

**D049544      Fatima J. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorneys for petitioners Fatima J. and Tyrce C. have notified the court that petitions for writs of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed. The case is dismissed.

**D048957      In re Leticia M., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D048389      People v. Ramos**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.

**D048626      People v. Combs**

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

**D045138      BCP/Fox Hollow LLC et al. /San Diego/Fox Hollow L.P. v. Alpha III Inc., et al./Baronet and Company, Inc.**

The petition for rehearing is denied. The opinion filed October 13, 2006, is modified. There is no change in judgment.

**D048353      In re Christopher L., a Juvenile**

The petition for rehearing is denied.

**D049324      In re Marriage of Alva and Alvarado**

The matter having been read and considered by Presiding Justice McConnell and Associate Justices Nares and McDonald, Elizabeth Alvarado's appeal from the dissolution judgment entered on June 23, 2006 is dismissed as untimely under California Rules of Court, rule 2(a)(1).

**D049107      Valazquez et al. v. Sharp Coronado Hospital and Healthcare Center et al.**

The petition is denied.

**D049287      In re Hammons on Habeas Corpus**

The petition is denied.

**D048569      Alcalá v. City of San Diego Employees' Retirement System Board of Retirement**

Appellant has failed to file a brief after notice given pursuant to California Rule of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 7, 2006 (Continued)

**D048449      People v. Anthony H.**

That portion of the juvenile court's order finding Anthony received stolen property is reversed. The matter is remanded to the juvenile court to expressly declare whether the unlawful taking or driving of a vehicle offense is a misdemeanor or a felony and, if it declares the offense to be a misdemeanor, to order the Department of Justice to destroy any DNA specimen or sample collected from Anthony and to expunge any related searchable DNA database profile. In all other respects, the order is affirmed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D048632      In re Sarah B., a Juvenile**

The order and judgment are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D047302      People v. Stoot**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Haller, J.

**D049683      Taylor v. Superior Court of San Diego County/People**

The petition is denied.

**D049684      Gray v. Superior Court of San Diego County/People**

The petition is denied.

**D049685      Watson v. Superior Court of San Diego County/People**

The petition is denied.

**D049735      Bonilla v. Superior Court of San Diego County/People**

The petition is denied.

**D049642      McConnell v. The Superior Court of San Diego County/People**

The petition is denied.

**D049700      O'Brien v. Superior Court of San Diego/People**

The petition is denied.

**D049134      Those Certain Underwriters at LLOYD's, London, Subscribing to Policy No. 99 SDCB 0159 v. Superior Court of San Diego County/Kolod Wager Law Offices LLP. et al.**

The petition is denied.

**D049549      Tran v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 7, 2006 (Continued)

**D049699      St. Martin v. Superior Court of San Diego County/People**  
The petition is denied.

**D049734      California Interscholastic Federation et al. v. Superior Court of San Diego  
County/Cheu et al.**  
The petition is denied.

**D049475      Katrina E. et al., v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**  
The attorney for petitioner Katrina E. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case as to Katrina E. is dismissed.

**D049440      Alequin J. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**  
This matter has been considered by Associate Justices McIntyre, McDonald and Nares. The second amended petition, filed November 2, 2006, does not comply with this court's order of October 20, 2006. The order to show cause is discharged and the petition is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 8, 2006

**D047551      People v. Gray**

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

**D048499      People v. Anthony**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D048400      People v. Soto**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D047365      Pacheco et al. v. Warner**

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D048463      In re Rachelle P. et al., a Juvenile**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D047060      People v. McBride**

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D049613      In re Marriage of Harris**

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal Rules of Court, rule 1 (c)(5)).

**D048167      People v. Hill**

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D048688      People v. Cook**

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Irion, J.

**D048087      Sevier v. Superior Court of San Diego County/ People**

The petition is denied. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 9, 2006

**D047642      People v. Barr**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D049125      In re Mark S. et al. Juveniles**

The appeal is dismissed. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.

**D046543      People v. Gates**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

**D049089      In re C.G. et al., Juveniles**

The appeal is dismissed. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D047108      People v. Simms**

We order the one-year section 667.5, subdivision (b) enhancement be stricken and the trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

**D048898      In re Jesus L., a Juvenile**

The appeal is dismissed. Aaron, J.; We Concur: McConnell, P.J., Benke, J.

**D049459      Dabney v. Pohl**

Pursuant to California Rules of Court, rule 8, the appeal filed September 21, 2006, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 4(a) and 5(a)).

**D048762      In re K.W., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

**D048963      Aquila, Inc. v. Superior Court of San Diego County/City of San Francisco et al.**

The request of real parties in interest to file a formal return is granted. Real parties in interest are directed to file their return on or before November 29, 2006. Petitioner may file a reply on or before December 13, 2006.